

**Decision Memorandum on Action and for Application of:
Categorical Exclusion 1.13
Buzzard Fire Rehabilitation
US Department of the Interior
Bureau of Land Management
Arizona Strip Field Office
Coconino County, Arizona**

Description of the Proposed Action and the Purpose and Need for the Action

On 6/30/05 a fire ignited by lightning burned 1836 acres of federal lands near the Arizona /Utah border approximately 15 miles east of Fredonia.

The BLM, proposes to rehabilitate all 1836 acres of public lands damaged by this wildfire. Aerial seeding of the area is proposed for late summer or early fall with back chaining to prepare the bed and cover the seed. The seed mix would be comprised of both native and non-native species of forbes, grasses and shrubs. Grazing would be deferred in the Franks, Fuller Road and Coyote allotment pastures that were burned for at least two growing seasons. 5 miles of new temporary fence and 7 miles of rebuild fence would be necessary to accomplish livestock grazing deferment. 2 temporary cattleguards would also be put in place to facilitate hunter traffic through the new fence. Erosion control dams would need to be constructed in drainages to prevent soil loss from the site. Monitoring would be accomplished by establishing photo points and accompanying pace frequency transect studies. Fence line re-construction would be necessary for the existing fences and would require chainsaw use on selected trees to clear the fence route.

SEED MIX

Luna Pubescent Wheatgrass (*Agropyron intermedium*)
Russian Wildrye (*Elymus junceus*)
Thick Spike Wheatgrass (*Agropyron dasystachum*)
GB Wild Rye (*Elymus cinereus*)
Lewis Flax (*Linum lewisii*)
Western Wheatgrass (*Agropyron smithii*)
Sand Dropseed (*Sporobolus cryptandrus*)
Sidoats Gramma (*Bouteloua curtipendula*)
Indian Ricegrass (*Oryzopsis hymenoides*)
Forage Kochia (*Kochia prostrata*)
Yellow Sweetclover (*Melilotus officinalis*)
Ephraim Wheatgrass (*Agropyron cristatum*)
Highcrest Crested Wheatgrass (*Agropyron cristatum*)
Antelope Bitterbrush (*Purshia tridentata*)
Four Wing Saltbush (*Atriplex canescens*)

Total lbs/ac would be 12.5

The over-riding objectives for emergency rehabilitation are: 1) to determine the need for and to prescribe and implement emergency treatments to minimize threats to life or property and 2) to stabilize and prevent unacceptable degradation to natural and cultural resources resulting from the effects of a wild land fire. This wild land fire was lightning caused and wind driven in an area

with dry annual grass fuels of Bromus tectorum which invade and proliferate within this general area following fire. Vegetation mortality was high but soil burn severity was low. However, the soil is now exposed to wind and water erosion and the invasion and proliferation of additional annual brome grass establishment. The entire burn of 1897 acres, (1836 Federal and 61 State) is also within critical mule deer winter range which is in jeopardy without treatment.

See Attached Map

Plan Conformance

This proposed action is in conformance with the Arizona Strip District RMP, December 1992 and the Arizona Statewide Land Use Plan Amendment for Fire, Fuels and Air Quality Management, September 2004.

WS01 Manage vegetation cover towards ecological stability and sound long-term protective soil cover using mechanical, chemical, biological or fire as tools for accomplishment.

The proposed action was designed in conformance with all bureau standards and incorporates appropriate guidelines for specific required and desired conditions relevant to project activities.

Compliance with the National Environmental Policy Act

This proposed action qualifies as a categorical exclusion under 516 DM 2, Appendix 1 #1.13.

1.13- Post fire rehabilitation activities not to exceed 4,200 acres (such as tree planting, fence replacement, habitat restoration, heritage site restoration, repair of roads and trails, and repair of damage to minor facilities such as campgrounds) to repair or improve lands unlikely to recover to a management approved condition from wild land fire damage, or to repair or replace minor facilities damaged by fire. Such activities shall be conducted consistent with agency and Departmental procedures and applicable land and resource management plans; shall not include the use of herbicides or pesticides or the construction of new permanent roads or other new permanent infrastructure; and shall be completed within three years following a wild land fire.

I considered the application of this categorical exclusion to be appropriate in this situation because there are no extraordinary circumstances potentially having effects which may significantly affect the environment. Please refer to the exceptions review table below. It has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply.

Persons and Agencies Consulted

Consultation with U. S. Fish and Wildlife Service, Arizona Game and Fish Department, United States Department of Agriculture Natural Resources Conservation Service and the Arizona Deer Association has taken place. It was agreed upon that the seed mix was adequate and that the species to be seeded represented a good range of forage plants for future mule deer browse. It was also agreed upon that cliffrose though important for re-establishment for mule deer forage, would not be reseeded due to seed availability and cost. Cliffrose should reseed naturally however, as it has done in other burns and should be well represented in the buzzard burn area in

years to come.

Decision and Rationale on Action

I have decided to implement the proposal to inventory, prepare, seed, back chain and defer livestock use for 2 growing seasons on the 1836 acres of the Buzzard fire burned area located within the Franks Reservoir, Coyote and Fuller Road Allotments. BLM will monitor the project area to see if resource objectives have been met. Inventory activities include surveys for cultural and biological resources. Preparation activities include re-construction of 7 miles of existing fence line. It will be necessary to use chainsaws to selectively trim and cut trees for the fence line re-construction. Rehabilitation of the burned area includes aerial seeding of 1836 acres, preceding the chaining activities. Chaining will include the use of 2 dozers dragging an anchor chain over the burned area to drive the seed into the ground. Erosion control will be accomplished through construction of 7 erosion control dams. 5 miles of new temporary fence and 7 miles of rebuild will be necessary to accomplish livestock grazing deferment. 2 temporary cattleguards will be installed to facilitate hunter traffic through the new fence. After the three year term the new fence and the cattleguards will be removed.

There are no anticipated significant impacts to any resource. The action is necessary to reduce and/or eliminate the threat of further degradation from the proliferation of annual brome species such as cheat grass. Without rehabilitation of the burned area the fire return cycle will be reduced and native species will be driven out of the system. Since the site is critical mule deer winter range and mule deer rely solely on browse species for winter forage in the burn area, it is imperative that browse species be reestablished and the fire return interval be reduced. The action is also necessary to reduce the loss of soil and nutrients from the site by establishing perennial grass, forb and shrub cover.

The California Condor mitigation measures listed below will be followed:

CC1B. Immediately prior to the start of a permitted project, BLM will contact personnel monitoring California condor locations and movement on the Arizona Strip to determine the locations and status of condors in or near the project area.

CC2B. Where California condors visit a worksite while activities are underway, the on-site supervisor will notify the BLM wildlife team lead or condor biologist. Project workers and supervisors will be instructed to avoid interaction with condors. Project activities will be modified, relocated, or delayed if those activities have adverse affects on condors. Operations will cease until the bird leaves on its own or until techniques are employed by permitted personnel which results in the individual condor leaving the area.

CC7B. Aircraft use, especially low level flights along the rim of the Vermilion Cliffs and flights near the condor release site at Vermilion Cliffs, will be minimized to the greatest extent possible in order to avoid disturbance to condors which may be present. Known active nest sites will be avoided.

CC8B. The BLM condor biologist or Wildlife Program Lead will contact the Peregrine Fund, as appropriate, immediately before operations involving aviation begin to check on possible locations of condors in the subject area.

CC9B. All BLM-authorized aviation personnel will be provided literature and/or instructed regarding condor concerns prior to conducting aerial operations.

CC10B. Aircraft will maintain and maximize safe flying separation distances from condors of at least 400 meters, in order to avoid, flying condors. Aircraft will also keep a minimum of 0.25 miles away from condors located on the ground unless safety concerns override this restriction.

CC11B. BLM will implement the protective measures for California condors that are contained in the March 2004 "Recommended Protection Measures for Pesticide Applications in The Southwest Region of the U.S. Fish and Wildlife Service."

Measures will be taken to avoid impacts to cultural resources. No work will be started before a cultural resource inventory has been completed and any sites found, evaluated and a suitable mitigative treatment applied to minimize impact to any cultural resource. No chaining will be allowed on archaeological (historic or prehistoric) sites that may susceptible to chaining damage. Such sites would include rock art, wooden structures or features. If in connection with this work any human remains, funerary objects, sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection Act are discovered, the operation would cease in the area of discovery. The discovery would be protected and operations would not resume until authorized by the Field Manager.

The eastern third of the burned area has been previously chained and has had a class III cultural resource inventory. This portion of the burned area could be chained and seeded as needed before the rest of the burned area without any delay if a cultural resource inventory is not timely on the non-inventoried area.

If a listed species is observed, all work in the area would stop and would not be allowed to resume if activities would adversely affect the species. Consultation with the U.S. Fish and Wildlife Service would take place before further work is done.

These actions meet the need for action. In addition, I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

Implementation Date

This project will be implemented on or after Sept. 2005.

Becky J. Hammond
Arizona Strip Field Manager

Date

Administrative Review or Appeal Opportunities

This decision may be appealed, in accordance with 43 CFR 4.21, within 30 days of the date of the decision. Any notice of appeal must be filed in this office (at the below address); must be in writing and clearly state the reasons the decision is in error. A petition for a stay of decision during the time an appeal is being reviewed by the authorized official must accompany any notice of appeal. A petition for stay is required to show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.

Contact Person

For additional information concerning this decision, contact Ben Ott, Rangeland Management Specialist, Arizona Strip Field Office, at 345 E. Riverside Drive St. George, Utah 84790-9000. Phone: (435) 688-3329

Exceptions Review. [Review the 12 exceptions which apply to individual actions within categorical exclusions. Environmental documents (EA or EIS) must be prepared for any actions involving these exceptions. The preparer coordinates with the appropriate specialists for review and surname for, in particular, #7 (historical/archaeological resources) and #8 (listed species), and others as appropriate. The comments/ explanation column may be used to document any pertinent information about the review.]		
List of Exceptions	Specialist Signature/Date	Comments/Explanation
1. Have significant adverse impacts on public health or safety.		No adverse impacts to public health or safety
2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas.		No affect on geographic character, wilderness, drinking water aquifers, prime farmlands, wetlands, floodplains, migratory birds, national monuments or areas of critical environmental concern.
3 Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)].		No significant controversial environmental effects
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		No uncertain environmental effects
5. Establish a precedent for future actions or represent a decision in principle about future actions with potentially significant environmental effects.		No precedent setting of future actions and does not represent a decision that has significant environmental effects
6. Be directly related to other actions with individually insignificant, but cumulatively significant environmental effects.		No cumulative effects No relation to other actions
7. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places.		No adverse affect on properties listed or eligible for listing in the National Register of Historic Places
8. Have adverse effects on species listed or proposed to be listed on the List of Endangered or Threatened Species, or have adverse effects on designated critical habitat for these species.	Plants	No adverse effect on plants
	Wildlife	No adverse effect on wildlife
	Fisheries	No adverse affect on fisheries
9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.		No violation of federal, state, tribal, or local law or any requirements for the protection of the environment.
10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898)..		No effect on minorities or low income populations. Is in compliance with executive orders.

11 Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).		No effect on Indian sacred sites and is in compliance with all executive orders.
12 Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).		Does not contribute to the spread of noxious weeds or the introduction of noxious weeds and is in compliance with all acts and executive orders.